

SENATE BILL NO. 210—COMMITTEE ON FINANCE

MARCH 4, 2015

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to medical facilities and facilities for the dependent. (BDR 40-1132)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public health; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to adopt regulations to establish a grading system for medical facilities and facilities for the dependent; requiring the Division, under certain circumstances, to reduce certain fees for those facilities; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes the Division of Public and Behavioral Health of the
2 Department of Health and Human Services to charge and collect a fee for a license
3 to operate a medical facility or facility for the dependent in this State. Existing law
4 also authorizes the Division to inspect and investigate such facilities to ensure that
5 the facilities are in compliance with certain federal and state laws, regulations and
6 standards. (NRS 449.0307, 449.050, 449.080, 449.089, 449.131, 449.132) **Section**
7 **1** of this bill requires the Division to establish a grading system for medical
8 facilities and facilities for the dependent. **Section 1** also provides that the
9 regulations must require the Division to reduce by 25 percent the fee for the next
10 consecutive renewal of the license of the facility if the facility receives a grade of A
11 on two consecutive inspections by the Division.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 449 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *The Division shall adopt regulations establishing a grading*
4 *system of A, B, C or D, with A being the highest rating for each*



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1 *medical facility and facility for the dependent. The regulations*
2 *must:*

3 *1. Require a survey of each medical facility and facility for*
4 *the dependent.*

5 *2. Establish the criteria for evaluating deficiencies of a*
6 *medical facility or facility for the dependent by the type of*
7 *provider, inspection criteria and duration or frequency of the*
8 *deficiency.*

9 *3. Require each medical facility or facility for the dependent*
10 *that receives a grade of C or D to apply to be resurveyed and to*
11 *submit with the application for resurvey a fee in an amount*
12 *prescribed by the Division by regulation.*

13 *4. Authorize each medical facility or facility for the*
14 *dependent that receives a grade of B to apply to be resurveyed and*
15 *to submit with the application for resurvey a fee in an amount*
16 *prescribed by the Division by regulation.*

17 *5. Require the Division to reduce by 25 percent the amount of*
18 *the fee charged by the Division for the next consecutive renewal of*
19 *the license of the facility pursuant to NRS 449.089 if the medical*
20 *facility or facility for the dependent receives a grade of A on two*
21 *concurrent inspections by the Division.*

22 *6. Require the fee for the renewal of a license of a medical*
23 *facility or facility for the dependent that received a reduction in fee*
24 *pursuant to subsection 5, to revert back to the amount of the*
25 *original fee for the renewal of the license of the facility pursuant*
26 *to NRS 449.089 if the facility fails to maintain a grade of A.*

27 **Sec. 2.** (Deleted by amendment.)

28 **Sec. 3.** (Deleted by amendment.)

29 **Sec. 4.** NRS 449.0301 is hereby amended to read as follows:

30 449.0301 The provisions of NRS 449.030 to 449.2428,
31 inclusive, *and section 1 of this act* do not apply to:

32 1. Any facility conducted by and for the adherents of any
33 church or religious denomination for the purpose of providing
34 facilities for the care and treatment of the sick who depend solely
35 upon spiritual means through prayer for healing in the practice of
36 the religion of the church or denomination, except that such a
37 facility shall comply with all regulations relative to sanitation and
38 safety applicable to other facilities of a similar category.

39 2. Foster homes as defined in NRS 424.014.

40 3. Any medical facility or facility for the dependent operated
41 and maintained by the United States Government or an agency
42 thereof.

43 **Sec. 5.** NRS 449.0302 is hereby amended to read as follows:

44 449.0302 1. The Board shall adopt:



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1 (a) Licensing standards for each class of medical facility or
2 facility for the dependent covered by NRS 449.030 to 449.2428,
3 inclusive, *and section 1 of this act* and for programs of hospice
4 care.

5 (b) Regulations governing the licensing of such facilities and
6 programs.

7 (c) Regulations governing the procedure and standards for
8 granting an extension of the time for which a natural person may
9 provide certain care in his or her home without being considered a
10 residential facility for groups pursuant to NRS 449.017. The
11 regulations must require that such grants are effective only if made
12 in writing.

13 (d) Regulations establishing a procedure for the indemnification
14 by the Division, from the amount of any surety bond or other
15 obligation filed or deposited by a facility for refractive surgery
16 pursuant to NRS 449.068 or 449.069, of a patient of the facility who
17 has sustained any damages as a result of the bankruptcy of or any
18 breach of contract by the facility.

19 (e) ~~Any~~ *Except as otherwise provided in section 1 of this act,*
20 *any* other regulations as it deems necessary or convenient to carry
21 out the provisions of NRS 449.030 to 449.2428, inclusive ~~it~~, *and*
22 *section 1 of this act.*

23 2. The Board shall adopt separate regulations governing the
24 licensing and operation of:

25 (a) Facilities for the care of adults during the day; and

26 (b) Residential facilities for groups,

27 ↪ which provide care to persons with Alzheimer's disease.

28 3. The Board shall adopt separate regulations for:

29 (a) The licensure of rural hospitals which take into consideration
30 the unique problems of operating such a facility in a rural area.

31 (b) The licensure of facilities for refractive surgery which take
32 into consideration the unique factors of operating such a facility.

33 (c) The licensure of mobile units which take into consideration
34 the unique factors of operating a facility that is not in a fixed
35 location.

36 4. The Board shall require that the practices and policies of
37 each medical facility or facility for the dependent provide
38 adequately for the protection of the health, safety and physical,
39 moral and mental well-being of each person accommodated in the
40 facility.

41 5. In addition to the training requirements prescribed pursuant
42 to NRS 449.093, the Board shall establish minimum qualifications
43 for administrators and employees of residential facilities for groups.
44 In establishing the qualifications, the Board shall consider the



1 related standards set by nationally recognized organizations which
2 accredit such facilities.

3 6. The Board shall adopt separate regulations regarding the
4 assistance which may be given pursuant to NRS 453.375 and
5 454.213 to an ultimate user of controlled substances or dangerous
6 drugs by employees of residential facilities for groups. The
7 regulations must require at least the following conditions before
8 such assistance may be given:

9 (a) The ultimate user's physical and mental condition is stable
10 and is following a predictable course.

11 (b) The amount of the medication prescribed is at a maintenance
12 level and does not require a daily assessment.

13 (c) A written plan of care by a physician or registered nurse has
14 been established that:

15 (1) Addresses possession and assistance in the administration
16 of the medication; and

17 (2) Includes a plan, which has been prepared under the
18 supervision of a registered nurse or licensed pharmacist, for
19 emergency intervention if an adverse condition results.

20 (d) The prescribed medication is not administered by injection
21 or intravenously.

22 (e) The employee has successfully completed training and
23 examination approved by the Division regarding the authorized
24 manner of assistance.

25 7. The Board shall adopt separate regulations governing the
26 licensing and operation of residential facilities for groups which
27 provide assisted living services. The Board shall not allow the
28 licensing of a facility as a residential facility for groups which
29 provides assisted living services and a residential facility for groups
30 shall not claim that it provides "assisted living services" unless:

31 (a) Before authorizing a person to move into the facility, the
32 facility makes a full written disclosure to the person regarding what
33 services of personalized care will be available to the person and the
34 amount that will be charged for those services throughout the
35 resident's stay at the facility.

36 (b) The residents of the facility reside in their own living units
37 which:

38 (1) Except as otherwise provided in subsection 8, contain
39 toilet facilities;

40 (2) Contain a sleeping area or bedroom; and

41 (3) Are shared with another occupant only upon consent of
42 both occupants.

43 (c) The facility provides personalized care to the residents of the
44 facility and the general approach to operating the facility
45 incorporates these core principles:



1 (1) The facility is designed to create a residential
2 environment that actively supports and promotes each resident's
3 quality of life and right to privacy;

4 (2) The facility is committed to offering high-quality
5 supportive services that are developed by the facility in
6 collaboration with the resident to meet the resident's individual
7 needs;

8 (3) The facility provides a variety of creative and innovative
9 services that emphasize the particular needs of each individual
10 resident and the resident's personal choice of lifestyle;

11 (4) The operation of the facility and its interaction with its
12 residents supports, to the maximum extent possible, each resident's
13 need for autonomy and the right to make decisions regarding his or
14 her own life;

15 (5) The operation of the facility is designed to foster a social
16 climate that allows the resident to develop and maintain personal
17 relationships with fellow residents and with persons in the general
18 community;

19 (6) The facility is designed to minimize and is operated in a
20 manner which minimizes the need for its residents to move out of
21 the facility as their respective physical and mental conditions change
22 over time; and

23 (7) The facility is operated in such a manner as to foster a
24 culture that provides a high-quality environment for the residents,
25 their families, the staff, any volunteers and the community at large.

26 8. The Division may grant an exception from the requirement
27 of subparagraph (1) of paragraph (b) of subsection 7 to a facility
28 which is licensed as a residential facility for groups on or before
29 July 1, 2005, and which is authorized to have 10 or fewer beds and
30 was originally constructed as a single-family dwelling if the
31 Division finds that:

32 (a) Strict application of that requirement would result in
33 economic hardship to the facility requesting the exception; and

34 (b) The exception, if granted, would not:

35 (1) Cause substantial detriment to the health or welfare of
36 any resident of the facility;

37 (2) Result in more than two residents sharing a toilet facility;
38 or

39 (3) Otherwise impair substantially the purpose of that
40 requirement.

41 9. The Board shall, if it determines necessary, adopt
42 regulations and requirements to ensure that each residential facility
43 for groups and its staff are prepared to respond to an emergency,
44 including, without limitation:



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1 (a) The adoption of plans to respond to a natural disaster and
2 other types of emergency situations, including, without limitation,
3 an emergency involving fire;

4 (b) The adoption of plans to provide for the evacuation of a
5 residential facility for groups in an emergency, including, without
6 limitation, plans to ensure that nonambulatory patients may be
7 evacuated;

8 (c) Educating the residents of residential facilities for groups
9 concerning the plans adopted pursuant to paragraphs (a) and (b); and

10 (d) Posting the plans or a summary of the plans adopted
11 pursuant to paragraphs (a) and (b) in a conspicuous place in each
12 residential facility for groups.

13 10. The regulations governing the licensing and operation of
14 facilities for transitional living for released offenders must provide
15 for the licensure of at least three different types of facilities,
16 including, without limitation:

17 (a) Facilities that only provide a housing and living
18 environment;

19 (b) Facilities that provide or arrange for the provision of
20 supportive services for residents of the facility to assist the residents
21 with reintegration into the community, in addition to providing a
22 housing and living environment; and

23 (c) Facilities that provide or arrange for the provision of alcohol
24 and drug abuse programs, in addition to providing a housing and
25 living environment and providing or arranging for the provision of
26 other supportive services.

27 ➤ The regulations must provide that if a facility was originally
28 constructed as a single-family dwelling, the facility must not be
29 authorized for more than eight beds.

30 11. As used in this section, "living unit" means an individual
31 private accommodation designated for a resident within the facility.

32 **Sec. 6.** NRS 449.050 is hereby amended to read as follows:

33 449.050 1. ~~Each~~ *Except as otherwise provided in section 1*
34 *of this act, each* application for a license must be accompanied by
35 such fee as may be determined by regulation of the Board. The
36 Board may, by regulation, allow or require payment of a fee for a
37 license in installments and may fix the amount of each payment and
38 the date that the payment is due.

39 2. ~~The~~ *Except as otherwise provided in section 1 of this act,*
40 *the* fee imposed by the Board for a facility for transitional living for
41 released offenders must be based on the type of facility that is being
42 licensed and must be calculated to produce the revenue estimated to
43 cover the costs related to the license, but in no case may a fee for a
44 license exceed the actual cost to the Division of issuing or renewing
45 the license.



1 3. If an application for a license for a facility for transitional
2 living for released offenders is denied, any amount of the fee paid
3 pursuant to this section that exceeds the expenses and costs incurred
4 by the Division must be refunded to the applicant.

5 **Sec. 7.** NRS 449.131 is hereby amended to read as follows:

6 449.131 1. Any authorized member or employee of the
7 Division may enter and inspect any building or premises at any time
8 to secure compliance with or prevent a violation of any provision of
9 NRS 449.030 to 449.245, inclusive **H**, *and section 1 of this act.*

10 2. The State Fire Marshal or a designee of the State Fire
11 Marshal shall, upon receiving a request from the Division or a
12 written complaint concerning compliance with the plans and
13 requirements to respond to an emergency adopted pursuant to
14 subsection 9 of NRS 449.0302:

15 (a) Enter and inspect a residential facility for groups; and

16 (b) Make recommendations regarding the adoption of plans and
17 requirements pursuant to subsection 9 of NRS 449.0302,

18 ➤ to ensure the safety of the residents of the facility in an
19 emergency.

20 3. The Chief Medical Officer or a designee of the Chief
21 Medical Officer shall enter and inspect at least annually each
22 building or the premises of a residential facility for groups to ensure
23 compliance with standards for health and sanitation.

24 4. An authorized member or employee of the Division shall
25 enter and inspect any building or premises operated by a residential
26 facility for groups within 72 hours after the Division is notified that
27 a residential facility for groups is operating without a license.

28 **Sec. 8.** (Deleted by amendment.)

29 **Sec. 9.** (Deleted by amendment.)

30 **Sec. 10.** (Deleted by amendment.)

31 **Sec. 11.** (Deleted by amendment.)

32 **Sec. 12.** (Deleted by amendment.)

33 **Sec. 13.** (Deleted by amendment.)

34 **Sec. 14.** This act becomes effective:

35 1. Upon passage and approval for the purposes of adopting
36 regulations and performing any other preparatory administrative
37 tasks that are necessary to carry out the provisions of this act; and

38 2. On October 1, 2015, for all other purposes.



